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REMARKS

The Office Action mailed December 28, 2006 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Response to Restriction Under 35 USC § 121 and 372

In the Office Action, the Office has entered a restriction requirement grouping the claims as follows:

Group I, claims 1-14, drawn to an aqueous mixture;

Group II, claim(s) 15, drawn to a process for pretreatment with peroxide; and

Group III, claim(s) 16 – 27, drawn to a process for cellulosic or cellulosic-synthetic fiber blend pretreatment.

On November 29, 2006, the undersigned made a provisional election without traverse to prosecute the invention of Group 1, claims 1 – 14.

Applicant hereby affirms the election of Group I, claims 1 – 14, without traverse or prejudice.

Claim Status

By this Amendment, Applicant has amended Claims 1 and 6 – 8 to clarify the subject matter. Applicant has cancelled Claims 15 through 27 without prejudice and respectfully reserves the right to file a divisional application claiming the subject matter disclosed thereby. Consequently, the claims under consideration are believed to include Claims 1 through 14.

Claim Rejections Under 35 USC § 102

Claims 1 – 14 stand rejected under 35 USC § 102(b) as being anticipated by Traber, et al., (US Patent No. 6,200,948). The rejection to Claims 1 – 14 is respectfully overcome.

It is well settled that to anticipate a claim, a single source must contain all of the elements of the claim. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1574, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984); *In re Marshall*, 578 F.2d 301, 304, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Traber, et al. does not disclose an earth metal chloride or sulfate salt as claimed in currently amended Claim 1 and all claims depending therefrom . In contrast, Traber, et al., discloses a magnesium salt of a carboxylic acid, i.e. the magenesium salt of gluconic acid, etc., see Column 5, lines 50 – 53. As Traber, et al., does not disclose the earth metal chloride or sulfate salt of the claimed invention, it is respectfully believed that Claim 1 and all claims depending therefrom are not anticipated thereby.

In view of the above, it is believed that the §102 rejection has been overcome. Applicants, therefore, courteously solicit reconsideration and withdrawal of the rejection.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

Attorney's Docket: 2003CH007
Serial No.: 10/569,335
Art Unit: 1751

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,

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